

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Declaration and Power of Attorney

As a below named inventor(s), I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the first, original and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "SPORTING EQUIPMENT AUDIBLE DEVICE" the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to in this oath or declaration.

I acknowledge the duty to disclose all information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

This present patent application is a divisional of and claims the priority of U.S. patent application serial no. 10/422,511 titled "Sporting Equipment Audible Device", filed on April 24, 2003 which is a divisional of U.S. patent application no. 09/867,215, titled "Sporting Equipment Audible Device", filed on May 29, 2001, and issued as U.S. patent no. 6,692,370. This present patent application also claims the priority of U.S. patent application no. 09/867,215, titled "Sporting Equipment Audible Device", filed on May 29, 2001, and issued as U.S. patent no. 6,692,370, and PCT patent application, International application No. PCT/US01/26686, titled "Sporting Equipment Audible Device" filed on August 28, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine

or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith:

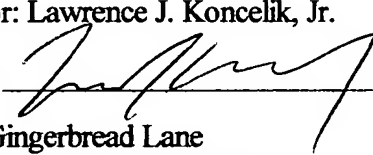
Walter J. Tencza Jr.

(Reg. No. 35,708)

Please address all correspondence to Mr. Walter J. Tencza Jr., Suite 3, 10 Station Place, Metuchen, N.J. 08840. Telephone calls should be made to WALTER J. TENCZA JR., by dialing 732 - 549 - 3007.

Full name of inventor: Lawrence J. Koncelik, Jr.

Inventor's Signature

 Date 7/27/04

Residence: 10 Gingerbread Lane
East Hampton, NY 11937

Citizenship: U.S.A.

Post Office Address: 10 Gingerbread Lane
East Hampton, NY 11937

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b)) -- INDEPENDENT INVENTOR**

Applicant(s) or Patentee(s): Lawrence J. Koncelik, Jr.

Serial or Patent No.:

Filed or Issued:

Title: SPORTING EQUIPMENT AUDIBLE DEVICE

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists
- ☐ Each such person, concern, or organization is listed below:

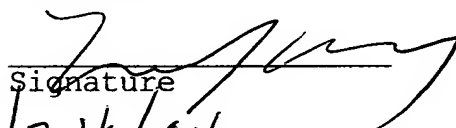
Separate verified statements are required from each named person,

concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Lawrence J. Koncelik, Jr.
INVENTOR


Signature

7/24/04
Date